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Service Plan of the Division of Administrative Rules

Fiscal Year 2009

The Department of Administrative Services delivers support services of the highest quality and best value to government agencies and the public. The Division of Administrative Rules facilitates excellence in governance by promoting agency compliance with the procedures of the Utah Administrative Rulemaking Act, enhancing universal access to state regulatory information, and promoting participation in the regulatory process. The Division is created by statute -- Section 63G-3-401. Its duties are specified in Section 63G-3-402, and other sections of Title 63G, Chapter 3.

This Service Plan is prepared in compliance with Section 63A-1-111 and outlines services that the Division of Administrative Rules provides to state agencies. Questions regarding the plan should be directed to Kenneth A. Hansen, Director, at 801-538-3764 or at khansen@utah.gov.

What are the services we provide?		What are the methods used to provide each service?	What are the standards of performance for each service?	What performance measures are used to gauge compliance with the standards?
1. Document filing	a) Administrative rule filing			
	The Division provides filing services for agencies engaging in rulemaking. (Section 63G-3-301)	The Division provides eRules, a web-based filing and publication system. The application is available 24 x 7 allowing agencies the flexibility to file at any time, and from anywhere.	The eRules system must be available when agencies need to file.	The system must be up and available to rule filers 99% of the time.
	b) Executive document filing			
	The Governor's Office may file executive orders and proclamations with the Division.	The Division provides eRules, a web-based filing and publication system. The system is available 24 x 7 allowing the Governor's office the flexibility to file at any time, and from anywhere.	The eRules system must be available when the Governor's office needs to submit an executive document.	The system must be up and available to rule filers 99% of the time.
	In an emergency, the Governor's Office must file executive orders and declarations with the division in order for those documents to "have the full force and effect of law during [a] state of emergency." (Section 63K-4-401)	The Governor's office may also use e-mail and building mail to submit documents for publication.		

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2. Publication of rules, and other executive branch notices	a) Administrative rule publication		
	The Division publishes agencies' administrative rules and related documents electronically.	The Division posts rules publications on its web site -- http://www.rules.utah.gov/ .	
	The <i>Utah State Bulletin</i> contains proposed rules, emergency rules, notices of five-year review and continuation, and other agency documents related to rulemaking in Utah (e.g., notices of rule hearings). (Subsection 63G-3-402(1)(d))	The Division issues the <i>Bulletin</i> on the 1st and 15th of each month. It is published at http://www.rules.utah.gov/publicat/bulletin.htm .	The Division must post the <i>Utah State Bulletin</i> on the Internet by 8 a.m. on the 1st and 15th of each month.
	The rules register records the receipt of all agency rules, rule analysis forms, and notices of effective date. The Division makes register available for public inspection. (Subsection 63G-3-402(1)(b) and (c))	The Division updates the rules register on the 1st and 15th of each month. It is posted at http://www.rules.utah.gov/research.htm#register .	The Division must post the rules register on the Internet by 8 a.m. on the 1st and 15th of each month.
	The <i>Utah State Digest</i> contains a summary of information published in the <i>Utah State Bulletin</i> (Subsection 63G-3-402(1)(f))	The Division issues the <i>Digest</i> on the 1st and 15th of each month. It is published on the Internet at http://www.rules.utah.gov/publicat/digest.htm . The Division also distributes the <i>Digest</i> using an e-mail ListServ. Individuals may subscribe by visiting the web address above and submitting their e-mail address.	The Division must post the <i>Utah State Digest</i> on the Internet and distribute via the ListServ by 8 a.m. on the 1st and 15th of each month.
	The <i>Utah Administrative Code</i> contains effective rules. (Subsection 63G-3-402(1)(e))	The Division updates the <i>Code</i> on the 10th of each month.	The Division must post the <i>Utah Administrative Code</i> on the Internet, as in effect on the 1st of the month, by the 10th of the month.
	The <i>Utah Administrative Rules Index of Changes</i> indexes effective rules, published annually. (Subsection 63G-3-402(1)(g))	The Division publishes the <i>Index of Changes</i> annually each spring.	The Division must post the <i>Utah Administrative Rules Index of Changes</i> on the Internet no later than April 1 each year.
			Average time between the publication date and the actual posting of the <i>Utah Administrative Rules Index of Changes</i> on the Internet.

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2. Publication of rules, and other executive branch notices, continued	b) Executive document publication			
	The Division publishes all executive orders and proclamations that the Governor's Office sends to the Division.	The Division publishes executive documents as part of the <i>Utah State Bulletin</i> . See "Administrative rule publication" above.	The Division publishes executive documents as part of the <i>Utah State Bulletin</i> no later than the bulletin issue for which they were filed.	Executive documents are published accurately and on time.
	c) Publication of other administrative agency material			
	The Division publishes meeting notices and other public notices submitted to it by administrative agencies.	The Division publishes meeting notices and other public notices as part of the <i>Utah State Bulletin</i> . See "Administrative rule publication" above.	The Division publishes meeting notices and other public notices as part of the <i>Utah State Bulletin</i> no later than the bulletin issue for which they were filed.	Agency notices are published accurately and on time.
	d) Maintenance of Incorporation by Reference Library			
	The Division maintains a library of materials that agencies have incorporated by reference into their rules. (Subsection 63G-3-201(7))	The Division maintains a library of materials incorporated by reference that is available for public inspection at the Division's office.	The Division catalogs incorporated materials within a week of receipt.	The Division can respond to a request for incorporated material within four hours.
3. Maintenance of the Utah Administrative Code	Administrative code repository			
	The Division maintains and is the repository for the administrative code. (Section 63G-3-702)	The Division maintains the repository as a collection of word-processing files. If a dispute arises in which there is more than one version of a rule, the latest effective version on file with the Division is considered the correct, current version.	The Division maintains a repository of current and historical editions of the administrative code on its web site. From 1995 through 2003, the January code with monthly updates is available. From 2004 through the present, monthly updates along with monthly codifications are available.	The Division maintains current and historical editions of the administrative code on its web site.

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4. Rulemaking Assistance to Agencies	a) Training			
	The Division offers rulemaking training geared toward different agency audiences: Beginning rulewriters: a structured training program designed to familiarize new rulewriters with the procedural requirements of the Rulemaking Act and with the Division's filing application, <i>eRules</i> . Advanced rulewriters: a free-form training program designed to allow more advanced rulewriters to explore aspects of the rulemaking process in more detail. Administrator training: a formal presentation designed for mid, upper, and cabinet-level management offered on as-needed basis; covering the legal and political need for rulemaking and the role of rulemaking in clarifying and limiting agency discretion. (Subsection 63G-3-402(1)(l))	The Division presents training in a traditional classroom-lecture format.	The Division received a score of 4.5 out of 5 or better on its post-training evaluation survey instruments. The Division receives a score of 4.5 out of 5 or better on its semi-annual survey of agency rule filers.	Participant ratings of training and the trainer on post-training survey instruments. Rule filers' rating of training available from the Division on the Division's semi-annual agency survey.
	b) Rulewriting Manual for Utah			
	The Division has prepared the <i>Rulewriting Manual for Utah</i> to help agencies understand the process. (Subsection 63G-3-402(l))	The Division posts the <i>Rulewriting Manual for Utah</i> on its web site at http://www.rules.utah.gov/agencyresources/manual.htm .	The Division updates the <i>Rulewriting Manual for Utah</i> as needed, or at least every other year, and maintains a current copy on its web site.	Agencies can access a current copy of the <i>Rulewriting Manual for Utah</i> , in PDF and HTML formats, on the Division's web site.
	c) Rulemaking resources			
The Division provides <i>eRules</i> help and Frequently Asked Questions (FAQ) documentation to help agencies understand the rulemaking process.	The Division maintains rulemaking resources (e.g., Frequently Asked Questions (FAQ)) on the Internet at http://www.rules.utah.gov/agencyresources/faq.htm .	The Division updates agency resources as needed and maintains a current copy on its web site.	Agencies can find current information and resources on the Division's web site.	
The Division responds to questions and provides on-site consultation regarding the requirements of the Utah Administrative Rulemaking Act. (Subsection 63G-3-402(l))	Agencies may call the Division (801-538-3764) to discuss issues or schedule on-site consultation.	The Division responds to requests for consultation within one business day.	Agencies receive a response to requests for consultation from Division staff within one business day.	

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5. Procedural review of rules	a) Procedural review of rule analyses and other rule forms			
	Division staff review rule analyses (forms filed with substantive rules) and other rule forms (such as the Five-Year Notice of Review and Statement of Continuation) to ensure that the responses provided by the agencies meet the minimum requirements of the Rulemaking Act and the rules under Title R15. This is a separate though related service from administrative rule publication in the <i>Utah State Bulletin</i> . (Subsection 63G-3-402(1)(m))	The Division uses traditional copy editing and proof reading techniques to identify typographical and grammatical errors. Division staff who are knowledgeable in the requirements of the Rulemaking Act and rules under Title R15 assess the content of the forms in light of those requirements. The Division corrects the most minor errors (e.g., correcting typographical errors, incomplete sentences), but returns more serious issues to the agency for correction.	The Division must return 10% or fewer of rule filings to agencies for correction.	Number of administrative rule filing correction notices sent to agencies.
	b) Procedural review of rule text			
	The Division ensures that all changes in rule text submitted for publication in the <i>Utah State Bulletin</i> are correct (e.g., changes are correctly marked, underlying text matches text maintained by the Division, text is correctly formatted.) This is not a substantive review. (Subsection 63G-3-402(1)(m))	The Division assesses the text in terms of marking requirements found in statute and rule and in terms of formatting requirements found in the <i>Rulewriting Manual for Utah</i> . The Division assesses the consistency of filed text with Division-maintained text using a text comparison program. The Division returns rule text with substantive inconsistencies to the agency for correction.	The Division must return 10% or fewer of rule filings to agencies for correction.	Number of administrative rule filing correction notices sent to agencies.
6. Agency notification of deadlines and events	a) Notices of rules due for review			
	The Division provides agencies with at least 180-days notice of rules due for review under the provisions of Subsection 63G-3-305(5).	The Division uses e-mail to notify agency managers and rule coordinators of rules due for review.	The Division must notify agencies of rules due for review 180-days in advance of the review due date.	The Division notifies agencies of rules due for review 180-days in advance of the review due date.
	b) Notices of required rulemaking actions			
	The Division reminds agencies of rules about to expire or rule filings about to lapse.	The Division uses e-mail to notify agency managers and rule coordinators of rules about to expire, and rules about to lapse.	The Division should send secondary (reminder) notifications at least one week in advance.	The Division sends appropriate reminder notices for lapsing and expiring rules in time for an agency to respond.
What are the costs associated with each service?				
The Division does not charge for any of the services described above that it provides to state agencies. The Legislature created the Division as an appropriated agency. To encourage agency compliance, the Division does not charge for filing, review, or publication services. To encourage public access to and participation in the regulatory process, the Division publishes administrative rules free of charge on the Internet.				